

**BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION**

<b>In the Matter of the Nebraska Public Service Commission, on its own motion, to investigate and explore federally mandated filing of electronic maps certifying the study area of Incumbent Local Exchange Carriers in Nebraska.</b>	<b>Application No. C-4543/PI-186 Progression Order No. 1</b>
<b>COMMENTS OF UNITED TELEPHONE COMPANY OF THE WEST d/b/a CENTURYLINK, AND QWEST CORPORATION d/b/a CenturyLink QC</b>	

On December 11, 2012, the Nebraska Public Service Commission (“Commission”) opened the above referenced docket in response to a Report and Order issued by the Federal Communications Commission (“FCC”) which required incumbent local exchange carriers to submit certified electronic study area boundary data. The Report and Order provided that ILECs, state commissions, or state telecommunications associations could submit the boundary data to the FCC and allowed for flexibility on how the collection and submission of this data would be accomplished.

The Commission held a workshop to discuss the issues raised by FCC’s Report and Order on January 16, 2013. On February 20, 2013, the Commission issued Progression Order #1 requesting comments on the proposed mechanics of the collection and compilation of the electronic boundary maps and the submission of those maps to the FCC. On February 26, 2013, the FCC released an Order on Reconsideration that impacts CenturyLink’s response to the Commission’s request for comments. United Telephone Company of the West d/b/a CenturyLink and Qwest Corporation d/b/a

CenturyLink QC (collectively, "CenturyLink") appreciates the Commission's attention on this very important matter and respectfully provides the following comments.

***Mechanics***

The Commission has tentatively determined that it is in the best position to assist Nebraska ILECs with the filing of electronic boundary maps with the FCC. The FCC, in an Order on Reconsideration issued February 26, 2013, acknowledged the states' traditional role in administering ILEC study area boundaries and concluded upon reconsideration "that it is appropriate for the state commissions ... to certify that these data are accurate and correct to the best of their knowledge, information, and belief." (Recon Order at para 4.) Further, the Commission proposes that it manage the creation of electronic boundary maps and recognizes that there must be some collaboration between it and the ILECs in the creation of a comprehensive electronic boundary map for Nebraska. The Commission proposes three options for that collaboration:

1. The ILEC requests the Commission submit the electronic boundary map in the Commission's possession to the ILEC for review. The ILEC and Staff then collaborate to compare the map to the paper map maintained by the Commission and any maps maintained by the ILEC. Any proposed updates or changes to the map, if necessary, can then be done by the ILEC or in collaboration with the Staff.
2. The ILEC already possess or creates its own electronic boundary map. The ILEC then sends it to the Commission for review. The ILEC and Staff then collaborate to compare the map to the paper map and other maps maintained by the Commission. Any proposed updates or changes to the map, if necessary, can then be done by the ILEC or in collaboration with the Staff.
3. The ILEC already possess or creates its own electronic maps. The ILEC requests the electronic map and copy of the Commission's paper map be sent to the ILEC for comparison purposes. Before finalizing the map for Nebraska, the ILEC sends a copy of the map to the Commission for Staff

comparison against Commission boundary maps. The ILEC and Staff will collaborate to address any discrepancies.

CenturyLink notes that the FCC has given the state commissions the option of taking the lead in assembling and certifying the electronic boundary data, and CenturyLink supports the states taking on this role. The three options proposed by the Commission for the collaboration and creation of the electronic boundary maps are very similar, with the main difference coming from who initiates the process and takes the lead on the collaboration. Each of the options proposed by the Commission should accomplish the Commission's goals with respect to the collection and collaboration of the electronic boundary data.

The Commission also identified several issues regarding the mechanics of creating a comprehensive electronic boundary map for Nebraska and requested comments.

**1. The methodology and options for collection and creation of Nebraska electronic boundary maps as expressed above. Is the process as proposed reasonable? Sufficient?**

CenturyLink believes the process and options envisioned and proposed by the Commission are reasonable and sufficient. The Commission's options provide flexibility for the ILECs to choose a methodology for the collaboration on exchange boundaries that best works for them, while still insuring that all parties come to agreement.

**2. The Commission currently maintains the official ILEC boundary maps in paper format. Does the Commission have the requisite authority to mandate ILEC participation in the creation of electronic boundary maps at the Commission to replace paper maps?**

Although the law does not expressly authorize an electronic map requirement, CenturyLink believes that Rev. Stat. 86-130 provides the Commission with sufficient authority. Section 86-130 authorizes the Commission promulgate rules that include “[t]he style, size, and kind of maps; the information to be shown on such maps; the time and place for filing the maps; and a requirement that the maps be kept current.” And while the Commission’s rules do not mention an electronic filing requirement, the broad authorization in the statute combined with the requirements that are in rule are probably sufficient to support requiring electronic maps. In order to erase any doubt that the Commission has such authority, the Commission could amend the rule to expressly require that maps be filed in electronic format.

**3. Whether a carrier may “opt out” of involvement in the creation of electronic boundary maps at the Commission and file its electronic boundary maps directly with the FCC?**

The Reconsideration Order provides for states intending to submit and certify ILEC boundary data to notify the FCC in writing and to “indicate which incumbent LEC study areas [the states] plan to include in their submission.” (Recon Order at para 5) The FCC would defer to the states submitting maps as the final reconciled maps. As such, if a carrier chooses to “opt out” of working through the reconciliation process with the Commission, they should be allowed to do so at their own risk. If the Commission chooses to deselect an ILEC for electronic boundary map submission, that ILEC will have no choice but to submit the certified data directly to the FCC and the FCC will see input

from the Commission to resolve boundary overlaps, void areas or disputes (Recon Order at para 7). However, there are a number of issues that must be addressed if the state allows an ILEC to opt out of the state's process for creating the electronic boundary maps. For example, who is the prevailing judge if disputes about boundaries arise? Is it the state commission or is it the FCC? The FCC recognizes that both have a role in overseeing study area boundaries. (Recon Order at para 4) If an ILEC has a dispute regarding an exchange boundary that it is having difficulty resolving, how will the Commission's process work?

- 4. If an ILEC may "opt out" of involvement in the creation of electronic boundary maps at the Commission and opts to instead file directly with the FCC, in the event there is a discrepancy between the Commission's official map of the boundary and the map submitted by the non-participating ILEC to the FCC, what steps should be taken?**

CenturyLink believes the context of this question is no longer valid due to the FCC's February 26, 2013 Order on Reconsideration which allows the Commission to file and certify the electronic boundary maps directly to the FCC without ILEC involvement. Further, the FCC, in the same Order on Reconsideration states it will work directly with state commissions in working through overlaps, voids and disputes. If allowed to "opt out" of assisting the Commission, an ILEC does so at its own risk. The FCC recognizes that both have a role in overseeing study area boundaries (Recon Order at para 4) and therefore would not expect ILECs to "opt out" of assisting the Commission.

- 5. What process and procedures should be utilized by the Commission in the event discrepancies and disagreements arise between carriers regarding ILEC boundaries? How formal or informal should the process be? If there is some kind of formal dispute resolution process adopted by the Commission, what should that process entail?**

CenturyLink notes that the Commission, as the holder of the official boundary maps for all ILECs in Nebraska, already has a process in place if a dispute arises between carriers regarding ILEC boundaries. That process should work well as a basis for establishing a process to resolve discrepancies and disputes that may arise during the electronic mapping process. An initial informal process could be used to resolve minor boundary differences.

#### ***Policy Concerns***

The Commission also requested comments on a number of policy considerations that arise from the FCC's Report on the electronic mapping process. CenturyLink respectfully responds to those issues as follows:

- 1. The inclusion in the Report of a requirement that officers of a LEC certify under penalty of perjury the accuracy of the maps submitted to the FCC to the best of his/her knowledge.**

CenturyLink believes the FCC's Order on Reconsideration addresses, to some degree, the issue of certification. In addition, if the Commission creates and submits the electronic maps to the FCC on behalf of the ILECs in Nebraska, it may not be appropriate for an officer of each ILEC to provide a certification as to the accuracy of the map as that map has not been produced by the ILEC. CenturyLink recommends the Commission follow the FCC's requirements for "best efforts" and not define the accuracy of the maps for certification.

- 2. The effect of the Report regarding the Study Area freeze instituted by the FCC and the waiver process currently in place. Will a waiver process be included to make any updates to a boundary map or will LECs be required to pay the substantial filing fee to seek a waiver to make any changes to the current boundary maps? Will a waiver be necessary at all for changes made at a level smaller than the exchange level?**

The Study Area freeze and waiver process may have a significant impact on the filing of electronic boundary data. CenturyLink notes that there is currently a \$7,500 FCC filing fee to make changes to the current boundary maps. As ILECs have been required by the FCC to submit, either individually or through the Commission, new electronic boundary maps, they should not be required to pay this substantial filing fee.

- 3. Is the requirement included in the Report to update data with any changes in the boundaries every year and recertification by all LECs of the boundaries every two years desirable? Reasonable? How does this impact the Study Area freeze issue addressed above?**

CenturyLink believes a requirement to update changes to the electronic boundary maps every year and a recertification by all ILECs of the boundaries every two years is aggressive. CenturyLink notes that Nebraska USF support is based on current exchange boundaries, and it is important to ensure that each ILEC receives the proper level of support to ensure continued voice service to high cost areas of the state. However, while boundary changes may happen frequently, most boundary changes are small and likely impact only a few customers. The resource commitment on the part of the ILECs and the Commission to update the electronic boundary maps annually is significant. As an alternative to annual updates to the electronic boundary data, CenturyLink suggests an annual update to the perimeter study area as changes within the study area itself are not significant to anything.

4. The FCC utilized an accuracy requirement for the electronic boundary maps submitted of within 40 feet. Is within 40 feet a reasonable margin of error? Should there be different standards of accuracy for rural vs. urban areas of the country? How do we define rural and urban for purposes of the boundary maps?

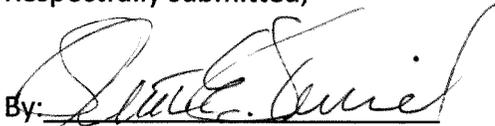
CenturyLink believes the FCC addressed this issue appropriately in its Reconsideration Order.

***Conclusion***

CenturyLink appreciates the Commission's attention to the important matter of electronic boundary mapping and for taking the lead in helping ILECs with the process of filing these maps with the FCC.

Dated March 22, 2013

Respectfully submitted,

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